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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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DAVID HUFFAKER, ESQ
KYOCERA WIRELESS CORPORATION
10300 CAMPUS POINT DRIVE
SAN DIEGO, CA 92121

EXAMINER

DANIEL JR, WILLIE J

ART UNIT	PAPER NUMBER
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2686

DATE MAILED: 10/24/2003

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Please find below and/or attached an Office communication concerning this application or proceeding.

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Office Action Summary

Application No.

09/853,126

Applicant(s)

LEMLEY, BRAD

Examiner

Willie J. Daniel, Jr.

Art Unit

2686

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-15 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-15 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 05/09/2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on ____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) ____.
- 4) ☐ Interview Summary (PTO-413) Paper No(s) ____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

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DETAILED ACTION

Specification

1. The abstract of the disclosure is objected to because of
“F:\PAPS\KYOCERA\NAVIGATION KEYpap.doc” on page 12, line 12. Correction is required. See MPEP § 608.01(b).

Claim Objections

2. Claim 6 is objected to because of the following informalities:
Examiner suggests using “microprocessor” for the spelling of “microprocesor” on page 9, line 20.
Appropriate correction is required.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

Claims 1-13, 15 are rejected under 35 U.S.C. 102(a) as being anticipated by **Jambie et al.** (US 2002/0142738).

Regarding **Claim 1**, a mobile handset keypad (24) comprising an array of keys (22)

positioned on a surface of a mobile housing (12) for user interface with the mobile, said array of keys (22) comprising: at least one alphanumeric key (key 1, see Fig. 1); at least one integral navigation and alphanumeric key (40, 42, 44, 46); and a toggle key for toggling between an alphanumeric and a navigation mode, as discussed in paragraphs [0002]-[0006], [0024], [0025], [0034], [0037]; and as shown in Figs. 1 and 2.

Regarding **Claim 2**, the mobile keypad (24) of claim 1 wherein said toggle key automatically toggles between an alphanumeric and a navigation mode based upon data input during user interface, as discussed in paragraphs [0034], [0037], [0060]; and as shown in Figs. 3 and 4.

Regarding **Claim 3**, the mobile keypad (24) of claim 1 wherein said toggle key manually toggles between an alphanumeric and a navigation mode when operated by the user, as discussed in paragraph [0037].

Regarding **Claim 4**, the mobile keypad (24) of claim 1 wherein said at least one integral navigation and alphanumeric key (40, 42, 44, 46) comprises: a first integral navigation and alphanumeric key (40) comprising an up navigation function and an alphanumeric function; a second integral navigation and alphanumeric key (42) comprising a down navigation function and an alphanumeric function; a third integral navigation and alphanumeric key (46) comprising a right navigation function and an alphanumeric function; a fourth integral navigation and alphanumeric key (44) comprising a left navigation function and an alphanumeric function, as discussed in paragraphs [0027], [0028], [0043], [0044], [0058], [0059], [0076], [0081]; and as shown in Figs. 1-4.

Regarding **Claim 5**, a mobile handset keypad (24) comprising an array of keys (22)

positioned on a surface of a mobile housing (12) for user interface with the mobile, said array of keys comprising: at least one alphanumeric key (key 1, see Fig. 1); a first integral navigation and alphanumeric key (40) comprising an up navigation function and an alphanumeric function; a second integral navigation and alphanumeric key (42) comprising a down navigation function and an alphanumeric function; a third integral navigation and alphanumeric key (46) comprising a right navigation function and an alphanumeric function; a fourth integral navigation and alphanumeric key (44) comprising a left navigation function and an alphanumeric function; and a toggle key for manually toggling between an alphanumeric and a navigation mode when operated by the user and for automatically toggling between said alphanumeric and navigation modes based upon data input during user interface, as discussed in paragraphs [0027], [0028], [0034], [0037], [0043], [0044], [0058]-[0060], [0076], [0081]; and as shown in Figs. 1-4.

Regarding **Claim 6**, a mobile handset (10) comprising: a microprocessor and menu display (32) including software routines for creating and displaying a menu; a housing (12) including a front face (18) with openings (20) for touch keys and said display and containing said microprocessor; a plurality of switches within said housing (12); a keypad (24) within said housing (12) comprising an array of keys (22) projecting through the openings in the front face of said housing, each interacting with one corresponding switch; one of said switches being a toggle switch for controlling through a corresponding toggle key the mode of operation of a selected number of said other keys and corresponding switches; said select number of keys and corresponding switches comprising combined navigation and alphanumeric keys (40, 42, 44, 46), said alphanumeric keys and corresponding switches

providing a telephone dialing and menu display input function when in an alphanumeric mode of operation and alternatively a menu navigation control mode of operation; and means for differentiating said combined alphanumeric and navigation keys from other keys, as discussed in paragraphs [0002]-[0006], [0008], [0013], [0030], [0037], [0047], [0053]; and as shown in Figs. 3 and 4.

Regarding **Claim 7**, the mobile handset (10) of claim 6 wherein said differentiating means comprises graphical elements on the front face of the housing (12), as discussed in paragraph [0071]-[0074]; and as shown in Figs. 1-4.

Regarding **Claim 8**, the mobile handset (10) of claim 6 wherein said differentiating means comprises a backlighting panel that illuminates said combined navigation and alphanumeric keys (40, 42, 44, 46) when said keys are in navigation control mode of operation, as discussed in paragraphs [0071]-[0074]; and as shown in Fig. 4.

Regarding **Claim 9**, the mobile handset (10) of claim 8 wherein said differentiating means additionally comprises at least one housing surface area associated with said combined navigation and alphanumeric keys (40, 42, 44, 46) that is illuminated by said backlighting panel when said keys are in navigation control mode, as discussed in paragraph [0093]; and as shown in Fig. 3 which has a fifth key (62) with the associated star-shaped area (53) being illuminated by backlighting.

Regarding **Claim 10**, the mobile handset (10) of claim 6 wherein said differentiating means comprises an icon displayed so as to identify the current mode of operation, as discussed in paragraphs [0009], [0071]-[0074] in which the characters or pictograms will show the function or mode the mobile handset is in for user operation.

Regarding **Claim 11**, the mobile handset (10) of claim 6 additionally comprising means for sensing user input data so as to automatically toggle said combined navigation and alphanumeric keys (40, 42, 44, 46) into navigation control mode, as discussed in paragraph [0060]; and as shown in Fig. 4, which shows the user navigating through a type of menu.

Regarding **Claim 12**, the mobile handset (10) of claim 6 additionally comprising means for sensing user input data so as to automatically toggle said combined navigation and alphanumeric keys (40, 42, 44, 46) into alphanumeric mode, as discussed in paragraph [0060]; and as shown in Fig. 3; the user is inputting alphanumeric characters.

Regarding **Claim 13**, the mobile handset (10) of claim 6 additionally comprising means for automatically toggling said combined alphanumeric and navigation keys (40, 42, 44, 46) into alphanumeric mode when said menu displays options requiring alphanumeric mode input as discussed in paragraph [0060]; and as shown in Fig. 3.

Regarding **Claim 15**, the mobile handset (10) of claim 6 additionally comprising a dual function key and associated switch for ending a telephone call when in alphanumeric mode and alternatively moving up in the menu hierarchy when in navigation control mode as discussed in paragraphs [0062]-[0064], [0104]-[0108]; and as shown in Figs. 3 and 4.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claim 14 is rejected under 35 U.S.C. 103(a) as being unpatentable over Jambie et al. (US 20020142738; FR 2823045) in view of Cushman et al. (US 6,125,287).

Regarding **Claim 14**, Jambie teaches of using a dual function key to enter user input when in alphanumeric mode and alternatively selecting menu options when in navigation control mode, as discussed in paragraphs [0104]-[0108]; and as shown in Figs. 3 and 4. The difference between Jambie and the claimed is that the claimed sends stored dialing information.

Cushman et al. teaches of pressing a SEND key (see Fig. 1) for calling a name stored in a directory, as discussed in column 1, lines 11-15; and column 5, lines 34-47.

Therefore, it would be obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of Jambie et al. and Cushman et al. to have the mobile handset (10) of claim 6 additionally comprising a dual function key and associated switch for sending stored dialing information and entering user input when in alphanumeric mode and alternatively selecting menu options when in navigation control mode.

The advantage of combining these teachings is to increase the number of functions for a key, thereby decreasing the number of keys required for a mobile handset.

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Conclusion

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Willie J. Daniel, Jr. whose telephone number is (703) 305-8636. The examiner can normally be reached on 8-5.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Marsha Banks-Harold can be reached on (703) 305-4379. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-5424.

WJD,JR/wjd,jr
15 October 2003

Marsha D Banks-Harold
MARSHA D. BANKS-HAROLD
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2600